THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.30494 of 1998

ORAL ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to regularize the services of the petitioner from the date of his initial appointment i.e. 1.1.1989 with all consequential benefits in the light of the orders passed in W.A.No.705 of 1995 dated 24.7.1995.

The case of the petitioner is that he was appointed as Conductor with effect from 1.1.1989 under Displaced Employees Quota (due to nationalisation of routes). The services of the petitioner were not regularized immediately and the respondents seem to have deferred regularization on the ground of pendency of criminal case against him. However, it appears, thereafter the criminal case ended in acquittal and the services of the petitioner were regularized with effect from 1.1.1997.

The learned counsel for petitioner states that the pendency of criminal case is nothing to do with the regularization of services of the petitioner. The services of the petitioner were never discontinued since the date of his initial appointment on 1.1.1989. In fact the services of the persons those were appointed along with the petitioner were already regularized, whereas the case of the petitioner was not considered for regularization in the guise of pendency of criminal case, which is not permissible under law. I am in full agreement with the contention of the learned counsel for petitioner. The respondent-management cannot deny regularization of services of the petitioner along with other similarly placed persons in the guise of pendency of criminal case, which ultimately ended in acquittal.

Under those circumstances, following the judgment reported in **DIVISIONAL MANAGER, APSRTC AND OTEHRS v. P.LAKSHMOJI RAO AND OTHERS**[1], the respondents are directed that if any Conductors, juniors to the petitioner in the relevant seniority list of the concerned Division/Region have got the benefit of seniority and regularization or/are entitled to get the same by virtue of the judgments that have become final, then the petitioner shall be given the same benefit on the same principle.

The writ petition is accordingly disposed of. No order as to costs.

C.V.RAMULU, J

Date: 27.6.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

27.6.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.30494 of 1998

Date: 27th June, 2007

Between:

M.R.Swamy, E.305808.

.. Petitioner

And

The Managing Director,
APSRTC, Musheerabad, Hyderabad
and another.

.. Respondents

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[1] (2004) 2 SCC 433